Virgin Records America, Inc v. Thomas Doc. 332

IN THE UNITED STATES OF DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

CAPITOL RECORDS, INC., *et al.*,

Plaintiffs,

vs.

JAMMIE THOMAS,

Defendant.

Case No.: 06cv1497-MJD/RLE

PLAINTIFFS' REVISED PROPOSED JURY INSTRUCTION

As raised by Plaintiffs on Monday, June 15, 2009 and pursuant to the Court's direction, Plaintiffs submit a revised Plaintiffs' Proposed Jury Instruction No. 3 based on the Stipulation of Uncontested Facts and Matters Not In Controversy (Doc. No. 273).

Respectfully submitted this 16th day of June 2009.

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PLAINTIFFS' REVISED PROPOSED JURY INSTRUCTION NO. 3

You are instructed that the parties have agreed that the following facts are not in dispute, and you should accept them as proven:

1. Plaintiffs placed copyright notices on each of the compact disc containers and on the surface of each of the compact discs containing the 24 sound recordings listed on Amended Exhibit A (Plaintiffs' Trial Exhibit 1) and Amended Schedule 1 (Plaintiffs' Trial Exhibit 2) as provided in section 402 of the Copyright Act.

2. Defendant subscribed to the Internet service provided by Charter Communications, Inc., which was the Internet Service Provider, that connected Defendant's Computer to the Internet on February 21, 2005.

3. On February 21, 2005 at approximately 11:09 p.m. EST, the MAC address for Defendant's modem which connected her computer to the Internet was 0002.8acf.5590.

8TH CIR. CIVIL JURY INSTR. § 2.03 (2008) (modified); Stipulation of Uncontested Facts and Matters Not In Controversy (Doc. No. 273).